

ASSEMBLY BILL

No. 2416

Introduced by Assembly Member Goldberg

February 19, 2004

An act to amend Section 51700 of the Education Code, relating to courses of instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 2416, as introduced, Goldberg. Reading First Plan.

Existing law establishes the Reading First Plan to provide reading instruction to pupils in kindergarten and grades 1 to 3, inclusive, and to special education pupils in kindergarten and grades 1 to 12, inclusive. Existing law requires the Reading First Plan to contain specified elements, including, authorizing a local educational agency to use scientifically based reading research supplemental instruction materials that are aligned with the reading/language arts content standards adopted by the State Board of Education. Existing law requires the local educational agency to provide an explanation in its application for grant funds of how its use of the supplemental instruction materials support the reading/language arts instructional materials adopted by the state board.

This bill would authorize a local educational agency that provides every pupil in kindergarten and grades 1 to 3, inclusive, with instructional materials in reading that were adopted by the state board in January 2002, to determine which supplemental instruction materials are scientifically based and aligned with the reading/language arts content standards adopted by the state board.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 51700 of the Education Code is amended to read:

51700. (a) There is hereby established the Reading First Plan to provide reading instruction to pupils in kindergarten and grades 1 to 3, inclusive, and to special education pupils in kindergarten and grades 1 to 12, inclusive.

(b) The plan shall be administered by the ~~State Department of Education~~ department and shall be funded from moneys allocated pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

(c) The Reading First Plan submitted to the *United States* Secretary of Education pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) shall do all of the following:

(1) (A) Authorize a local educational agency that meets all the requirements of Section 6362(c)(6) of Title 20 of the United States Code to be eligible for Reading First funding if pupils enrolled in kindergarten or any of grades 1 to 3, inclusive, and special education pupils enrolled in kindergarten or any of grades 1 to 12, inclusive, are provided with standards-aligned textbooks or basic instructional materials aligned with the reading/language arts content standards pursuant to Section 60605 by the beginning of the first school term that commences no later than 24 months after those materials are adopted by the State Board of Education.

(B) Notwithstanding subparagraph (A), a class operating pursuant to Section 310 may use primary language materials in alternate formats adopted by the State Board of Education for purposes of participating in a program funded pursuant to this article.

(2) Authorize a local educational agency to use scientifically based reading research supplemental instructional materials for pupils enrolled in kindergarten or any of grades 1 to 3, inclusive, and special education pupils enrolled in kindergarten or any of grades 1 to 12, inclusive, that are aligned with the reading/language arts content standards adopted pursuant to Section 60605. The local educational agency shall provide an explanation in its application of how its use of these supplemental instructional materials support the reading/language arts

1 instructional materials adopted by the State Board of Education for
2 pupils enrolled in kindergarten or any of grades 1 to 3, inclusive,
3 and special education pupils enrolled in kindergarten or any of
4 grades 1 to 12, inclusive.

5 (3) Authorize an eligible local educational agency to receive a
6 grant in the amount of up to six thousand five hundred dollars
7 (\$6,500) per teacher in kindergarten or in any of grades 1 to 3,
8 inclusive, unless otherwise required pursuant to Section
9 6362(c)(2)(A) of Title 20 of the United States Code. In addition,
10 to the extent that a local educational agency needs additional
11 funding consistent with the maximum amount allowable under the
12 federal No Child Left Behind Act (20 U.S.C. Sec. 6301 et. seq.),
13 authorize the local educational agency to submit a plan justifying
14 that need to the ~~State Department of Education~~ *department* and the
15 Department of Finance for their joint approval. A grant awarded
16 pursuant to this paragraph shall be used to enhance reading
17 instruction, including, but not limited to, the following purposes:

18 (A) Purchasing and implementing scientifically based reading
19 research instructional and supplemental materials in reading
20 language arts, pursuant to requirements specified in the Reading
21 First Plan and paragraph (2).

22 (B) Participating in professional development in reading and
23 language arts, pursuant to requirements specified in the Reading
24 First Plan. A Reading First funded agency may not claim funding
25 for teachers of kindergarten or any of grades 1 to 3, inclusive, or
26 teachers of special education pupils for the Mathematics and
27 Reading Professional Development Program established pursuant
28 to Article 3 (commencing with Section 99230) of Chapter 5 of Part
29 65.

30 (C) Hiring reading coaches or reading content experts, or both.

31 (D) Purchasing reading and language arts assessments.

32 (E) Other purposes, as specified in Section 6362(c)(7) of Title
33 20 of the United States Code.

34 (d) The ~~State Department of Education~~ *department* and the
35 State Board of Education may not develop or implement
36 requirements or criteria that make a local educational agency
37 ineligible for funding pursuant to this section because the local
38 educational agency provides primary language instruction and
39 comprehensive English language development instruction to

1 English learners in alternative classrooms, as authorized pursuant
2 to Sections 310 and 311.

3 (e) *Notwithstanding paragraph (2) of subdivision (c), a local*
4 *educational agency that provides every pupil in kindergarten and*
5 *grades 1 to 3, inclusive, with instructional materials in reading,*
6 *that were adopted by the State Board of Education in January*
7 *2002, may determine which supplemental instruction materials*
8 *meet the requirements of paragraph (2) of subdivision (c) and may*
9 *select and purchase those supplemental instruction materials with*
10 *funds made available through the Reading First Program*
11 *pursuant to this section. The department and the State Board of*
12 *Education may not develop or implement requirements or criteria*
13 *that make a local educational agency ineligible for funding*
14 *pursuant to this section because of determinations by the local*
15 *educational agency that specific supplemental instruction*
16 *materials are scientifically based and standards-aligned.*

17 (f) A local educational agency shall submit an expenditure plan
18 as part of its Reading First application that includes details ~~about~~
19 ~~how it is going to~~ regarding the manner in which it will use its
20 funding.

